

**WHEREAS**, Staff finds that there is a need to amend these sections of the Land Development Regulations in order to authorize the planning director to make decisions concerning the approval of administrative variances from certain provisions of this chapter; and

**WHEREAS**, Staff finds that the proposed change is consistent with Section 9.5-511(d)(5) b. (iv) New Issues and (v) Recognition of a need for additional detail or comprehensiveness; and

**WHEREAS**, Staff finds that the proposed change is consistent with the goals of the Monroe County Year 2010 Comprehensive Plan; and

**WHEREAS**, this text change was reviewed and **APPROVED** at the DRC public meeting of January 15, 2004; and

**WHEREAS**, this text change was reviewed at the PC public hearing of January 28, 2004 and **APPROVED** at the PC public hearing of March 10, 2004;

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA**, that the preceding findings of fact support their decision to recommend **APPROVAL** to the Monroe County Planning Commission of the following amendments to the text of the Monroe County Land Development Regulations as requested by the Monroe County Planning Department:

**I. PROPOSED TEXT CHANGES**

<del>strike though text is deleted.</del>	<u>underlined text is new.</u>
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**Section 9.5-122.3 Evaluation criteria**

*(a)(3) Lot aggregation:*

*Additional requirements:*

1. The application shall include but not be limited to the following:
  - ~~4.~~ An affidavit of ownership of all affected parcels, acreage or land; and
  - 2. A Legally binding restrictive covenant limiting the number of dwelling units on the acreage tract, running in favor of Monroe County and enforceable by the county, subject to shall be approved by the approval of the board of county commissioners growth management director and county attorney and recorded prior to filing in the office of the clerk of the county. Such covenant must be approved by the board prior to the issuance of before any

development approval may be issued building permit pursuant to an allocation award.

(a)(4) *Acreage tract density reduction:*

*Additional requirements:*

1. The parcel proposed for development must be located in zoning districts in which density is allocated in residential units per acre.
2. The application shall include but not be limited to the following:
  - An affidavit of ownership of the affected parcel, acreage or land;
  - A Legally binding restrictive covenant limiting the number of dwelling units on the acreage tract, running in favor of Monroe County and enforceable by the county, subject to shall be approved by the approval of the board of county commissioners growth management director and county attorney and recorded prior to filing in the office of the clerk of the county. ~~Such covenant must be approved by the board prior to the issuance of~~ before any development approval building permit may be issued pursuant to an allocation award.

(a)(5) *Land dedication:*

*Additional requirements:*

1. "Buildable" means construction of a dwelling unit or some development could be permitted, as determined by the ~~environment resources director~~ director of planning.
2. The application shall include but not be limited to the following:
  - An affidavit of ownership of all affected lots, parcels, acreage or land;
  - A statutory warranty deed that conveys the dedicated property to the county shall be approved by the, subject to the approval of the board of county commissioners growth management director and county attorney and recorded prior to filing in the office of the clerk of the county, ~~which conveys the dedicated property to the county. Such deed must be approved by the board prior to the issuance of~~ before any development approval building permit may be issued pursuant to an allocation award.

## **Sec. 9.5-124.8 Evaluation criteria**

### *(a)(2) Intensity reduction:*

#### *Additional requirements:*

A legally binding restrictive covenant running in favor of Monroe County that limits the floor area ratio of the property to a maximum of twenty three percent (23%) for a period of ten (10) years shall be approved by the ~~Board of County Commissioners~~ growth management director and county attorney and recorded prior to the issuance of any building permit pursuant to an allocation award.

### *(a)(3) Land dedication:*

#### *Additional requirements:*

1. "Buildable" shall mean construction of a dwelling unit or non-residential development, as determined by the planning director.
2. The application shall include but not be limited to the following:
  - An affidavit of ownership of all affected lots, parcels, acreage or land;
  - A statutory warranty deed that conveys the dedicated property to the county shall be approved by the, subject to the approval of the board of county commissioners growth management director and county attorney and recorded prior to filing in the office of the clerk of the county, which conveys the dedicated property to the county. Such deed must be approved by the board prior to the issuance of before any development approval building permit may be issued pursuant to an allocation award.

## **Sec. 9.5-266. Affordable and employee housing; administration.**

### *(b) Administration and compliance:*

- (7) The restrictive covenants for affordable and employee housing required under this section shall be approved by the growth management director and county attorney prior to the recording of the covenant and issuance of any building permit.

**PASSED AND ADOPTED** By the Planning Commission of Monroe County, Florida at a regular meeting held on the 10<sup>TH</sup> day of March, 2004.

Lynn C. Mapes, Chair

YES

David C. Ritz, Vice Chair

YES

Giulio Margalli, Commissioner

YES

Denise Werling, Commissioner

YES

James D. Cameron, Commissioner

YES

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Lynn C. Mapes, Chair

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Development Review  
Committee Resolution

**#D7-04**

**Signed and Dated  
February 26, 2004**



**DEVELOPMENT REVIEW COMMITTEE**  
**RESOLUTION #D4-04**

**A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING APPROVAL TO THE MONROE COUNTY PLANNING COMMISSION OF THE REQUEST FILED BY THE MONROE COUNTY PLANNING DEPARTMENT TO AMEND SEC. 9.5-122.3; SEC.9.5-124.8; SEC. 9.5-266 OF THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS IN ORDER TO GRANT AUTHORITY TO GROWTH MANAGEMENT STAFF TO APPROVE RESTRICTIVE COVENANTS AND WARRANTY DEEDS UNDER ROGO/NROGO AND AFFORDABLE HOUSING AND PROHIBIT THE AWARD OF POINTS FOR AGGREGATION IN SPECIFIC AREAS.**

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**WHEREAS**, presently, all restrictive covenants for Affordable Housing, warranty deeds for land dedication, restrictive covenants permitting only single-family dwellings on a parcel of land, or, in a few cases, the removal of these restrictive covenants require approval by the board of county commissioners before any development may receive a building permit; and

**WHEREAS**, in 2003, there were between 75 to 80 such agreements; and

**WHEREAS**, all were legally advertised for BOCC regular meetings, and all were formally presented to the commission for approval as Bulk Items; and

**WHEREAS**, after approval, each agreement is recorded in the office of the county clerk; and

**WHEREAS**, the commission has approved all of these agreements; none have ever been disapproved; and

**WHEREAS**, this process has existed since the inception of ROGO; and

**WHEREAS**, each of these agreements requires that growth management staff schedules and prepares newspaper advertisements, prepares Briefing Sheets, etc; and

**WHEREAS**, the formality of this process is unnecessarily time-consuming for the applicant, for staff and for the commission; and

**WHEREAS**, it is proposed that each of these actions be approved by the growth management director and the county attorney, and then recorded in the office of the county clerk; and

**WHEREAS**, Staff finds that there is a need to amend these sections of the Land Development Regulations in order to authorize the planning director to make decisions concerning the approval of administrative variances from certain provisions of this chapter; and

**WHEREAS**, Staff finds that the proposed change is consistent with Section 9.5-511(d)(5) b. (iv) New Issues and (v) Recognition of a need for additional detail or comprehensiveness; and

**WHEREAS**, Staff finds that the proposed change is consistent with the goals of the Monroe County Year 2010 Comprehensive Plan; and

**WHEREAS**, this text change was reviewed and **APPROVED** at the DRC public meeting of January 15, 2004;

**NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA**, that the preceding findings of fact support their decision to recommend **APPROVAL** to the Monroe County Planning Commission of the following amendments to the text of the Monroe County Land Development Regulations as requested by the Monroe County Planning Department:

#### **I. PROPOSED TEXT CHANGES**

~~strike through text~~ is deleted.

underlined text is new.

#### **Section 9.5-122.3 Evaluation criteria**

(a)(3) *Lot aggregation:*

*Additional requirements:*

1. Points will not be awarded for lot aggregation within those areas proposed for acquisition by governmental agencies for the purpose of resource protection.
2. The application shall include but not be limited to the following:
  - 4. An affidavit of ownership of all affected parcels, acreage or land; and

- 2. A Legally binding restrictive covenant limiting the number of dwelling units on the acreage tract, running in favor of Monroe County and enforceable by the county, subject to shall be approved by the approval of the board of county commissioners growth management director and county attorney and recorded prior to filing in the office of the clerk of the county. Such covenant must be approved by the board prior to the issuance of before any development approval may be issued building permit pursuant to an allocation award.

(a)(4) *Acreage tract density reduction:*

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1. The parcel proposed for development must be located in zoning districts in which density is allocated in residential units per acre.
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  - An affidavit of ownership of the affected parcel, acreage or land;
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1. "Buildable" means construction of a dwelling unit or some development could be permitted, as determined by the environment resources director director of planning.
2. The application shall include but not be limited to the following:
  - An affidavit of ownership of all affected lots, parcels, acreage or land;
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county, which conveys the dedicated property to the county. Such deed must be approved by the board prior to the issuance of before any development approval building permit may be issued pursuant to an allocation award.

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#### **Sec. 9.5-266. Affordable and employee housing; administration.**

*(b) Administration and compliance:*

- (7) The restrictive covenants for affordable and employee housing required under this section shall be approved by the growth management director and county attorney prior to the recording of the covenant and issuance of any building permit.

**PASSED AND ADOPTED** By the Development Review Committee of Monroe County, Florida at a regular meeting held on the 15<sup>th</sup> day of January, 2004.

Fred Gross, Director, Lower Keys Planning Team (Chair)	<u>YES</u>
Aref Joulani, Development Review and Design Senior Administrator	<u>YES</u>
Ralph Gouldy, Environmental Resources Senior Administrator	<u>YES</u>
Department of Health (by fax)	<u>YES</u>
Department of Public Works (by fax)	<u>YES</u>
Department of Engineering (by fax)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA

By   
Fred Gross, DCR Chair

Signed this 24<sup>th</sup> day of February, 2004